

Interview Summary

Application No.

10/092,492

Applicant(s)

SPIERS ET AL.

Examiner

Robin A. Hylton

Art Unit

3727

All participants (applicant, applicant's representative, PTO personnel):

(1) Robin A. Hylton.

(3) _____.

(2) Robert Davis Jones

(4) _____.

Date of Interview: 20 November 2003.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1, 13, 19, 20, and proposed 24-26.


Identification of prior art discussed: Putman et al., Pracchia, Blough.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


ROBIN A. HYLTON
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The proposed limitations of first and second pivot positions are introduced to distinguish over the prior art having a single pivot point for both the weight and the fastener. The intention being to set forth two separate pivot points. Claim 20 as proposed does not distinguish over the prior art since the link is connected to the container body via the weight. The use of "whereby" provides only functional language and does not provide structure to distinguish the claims over the art of record. The phrase "wherein" provides a more positive recitation.

1. (Currently amended) A container comprising:

a body having an interior, an exterior, a sidewall and a top opening;

a lid having a first end hingedly connected to said body and a second end, said lid being shiftable between a closed position covering said top opening and an open position allowing access to the interior;

a fastener for holding said lid in said closed position; and

a gravity-operated actuator for ~~positively~~ shifting said fastener between a securing and a releasing position;

wherein said gravity-operated actuator comprises:

a weight mounted on said body exterior for bi-stable movement between a first position and a second position with respect to said sidewall; and

a rigid link pivotally attached to said fastener at said first end and pivotally attached to ~~connecting~~ said weight at a second end ~~to said fastener~~;

whereby said fastener ~~is shifted from~~ pivots between said securing position ~~to~~ and said releasing ~~position~~ positions ~~when in response to~~ said weight ~~shifts from~~ pivoting between said first position ~~to~~ and said second ~~position~~ positions.

13. A container adapted to be moved from a rest orientation to a dump orientation during a dumping operation comprising:

- a body having an interior and a top opening into said interior;
- a lid having a first end hingedly connected to said body and shiftable between a closed position covering said top opening and an open position allowing access to the interior;
- said container having a first angular orientation with respect to the ground when said container is in a rest orientation and a second angular orientation with respect to the ground when said container is in said dump orientation;
- a fastener pivotably mounted on said body at a first point for holding said lid in said closed position and substantially preventing movement of said lid when pressure is applied against said lid from said interior;
- and an actuator for ~~positively~~ shifting said fastener between a securing and a releasing position;
- wherein said actuator comprises:
 - a weight pivotably mounted on said body at a second point for movement to a first position with respect to said sidewall when said container has a first angular orientation with respect to the ground and to a second position with respect to said sidewall when said container has a second angular orientation with respect to the ground;
 - and a link rigidly connected between said weight and said fastener for transferring substantially all motion of said weight to said fastener.

19. A method of latching and unlatching a container by changing the orientation of the container with respect to the ground comprising the steps of:

providing a container having a lid;

providing a fastener shiftable between a first position for securing said lid to said container and a second position for releasing said lid;

~~mounting a weight on said container to pivot bi-stably between first and second positions in response to changes in the orientation of said container;~~

providing a weight attached to said container, said weight having a first position and a second position;

positively rigidly coupling said weight to said fastener;

pivoting said container in a first direction until said weight shifts from said first position to said second position, said weight remaining in said first position until said container is pivoted at least 10 degrees in said first direction; and

~~pivoting said container from said second position to said first position until said weight shifts to said first position~~

whereby the movement of said weight from said first position to said second position causes said link to apply a force to said fastener thereby releasing said lid.

24. (New) A container comprising:

- a body having an interior, an exterior, a sidewall and a top opening;
- a lid having a first end hingedly connected to said body and a second end, said lid being shiftable between a closed position covering said top opening and an open position allowing access to the interior;
- a fastener for holding said lid in said closed position; and
- a gravity-operated actuator for positively shifting said fastener between a securing and a releasing position;

wherein said gravity-operated actuator comprises:

- a weight mounted on said body exterior having a body portion and a head portion connected to said body portion and is pivotally mounted for rotation about a pivot point between a first position and a second position, said body portion being spaced apart from said head portion; and,
- a rigid link connecting said weight to said fastener;

whereby said fastener is shifted from said securing position to said releasing position when said weight shifts from said first position to said second position.

25. (New) A container comprising:

- a body having a base;
- a lid connected to said body and having an open and closed position;
- a fastener having a securing position for retaining said lid in said closed position and a releasing position for releasing said lid;

an actuator for shifting said fastener between said securing and said releasing positions;

wherein said actuator comprises:

a weight mounted on said body; and,

a link connecting said weight to said fastener;

whereby said fastener remains in said secured position until said base is rotated to an angle of at least about 90 degrees relative to a horizontal plane, further rotation of said base past 90 degrees causes said weight to shift from a first position to a second position thereby applying a force to said link causing said fastener to move from said secured position to said released position and allowing said lid to open.

26. (New) A container comprising:

a body;

a lid connected to said body, said lid having an open and a closed position;

a fastener having a securing position for retaining said lid in said closed position and a releasing position for releasing said lid;

a weight attached to said body; and

a rigid link connecting said weight to said fastener,

wherein rotating said body from a first horizontal position to a second angular position causes said weight to pivot about a first point and apply a force to said rigid link causing said fastener to pivot about a second point so that said fastener moves from said securing position to said releasing position thereby releasing said lid.

20. (Currently amended) A gravity-operated actuator for shifting a container lid latch between a latching position and an unlatching position, said actuator comprising a weight mountable on the exterior of a container for bi-stable movement between a first position and a second position with respect to the container; and a rigid link unconnected to said body connecting said weight to the container lid latch;

whereby said fastener is shifted from said latching position to said unlatching position when said weight shifts from said first position to said second position.